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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,858	07/31/2003	Jay S. Gondck	100202320-1	4614

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FORT COLLINS, CO 80527-2400

EXAMINER

MENBERU, BENIYAM

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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10/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,858

Applicant(s)

GONDEK, JAY S.

Examiner

Beniyam Menberu

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2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/6/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed September 10, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Figures 3c, 3d, and 3e have been amended and the corresponding changes to the specification for these figures as shown on pages 2-3, paragraph 25; page 3, paragraph 26; page 4, paragraph 27 contain new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. The amendments to Figure 4, Figure 5 and to the specification paragraphs 28, 30, 33, and 34 will be acceptable as containing no new matter if submitted independently.

Specification

3. The disclosure is objected to because of the following informalities: On page 6, line 12, "digital camera 118" should be "digital camera 122".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 22 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claim 22, lines 1-2 "A computer program product for gamut mapping to a printer gamut, tangibly stored on a computer-readable medium, comprising instructions operable to cause a" should read "A computer-readable medium storing a computer program for gamut mapping to a printer gamut comprising instructions operable to cause a".

Allowable Subject Matter

5. The following is an examiner's statement of reasons for allowance:

In addition to the teachings of the claims 1, 11, and 21 as a whole, the closest prior art of record failed to teach or suggest,

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"selecting a wide gamut interpolation point corresponding to the surface of the printer gamut when narrow gamut areas do not overlap the wide gamut according to the determination;

selecting a narrow gamut interpolation point by mapping the narrow gamut to the printer gamut based upon the predetermined mapping when narrow gamut areas do not overlap the wide gamut according to the determination; and

interpolating the narrow gamut interpolation point and the wide gamut interpolation point to expand the narrow gamut values into the printer gamut."

Therefore, claims 2-10 and 12-20 are allowable for depending on claims 1, 11, and 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Other Prior Art Cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6421142 to Lin et al disclose gamut processing.

U.S. Patent No. 6765586 to Yamazaki et al disclose color processing.

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U.S. Patent No. 7177465 to Takahira discloses color adjustment process.

U.S. Patent No. 6373595 to Semba et al discloses gamut processing.

U.S. Patent No. 5892891 to Dalal et al disclose color printer.

U.S. Patent No. 7064864 to Takahashi et al disclose gamut compression.

U.S. Patent Application Publication No. US 2003/0072015 A1 to Fujino discloses color saturation processing.

U.S. Patent Application Publication No. US 2004/0096104 A1 to Terekhov discloses color adjustment.

U.S. Patent Application Publication No. US 2004/0136014 A1 to Maltz discloses processing of CMY/CMYK data.

U.S. Patent Application Publication No. US 2004/0212814 A1 to Ishigami discloses processing of picture data.

U.S. Patent Application Publication No. US 2005/0141848 A1 to Deguchi et al disclose image processor.

U.S. Patent Application Publication No. US 2002/0149786 A1 to Hudson et al disclose gamut processing.

U.S. Patent Application Publication No. US 2004/0100643 to Jones et al disclose gamut analysis.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>.

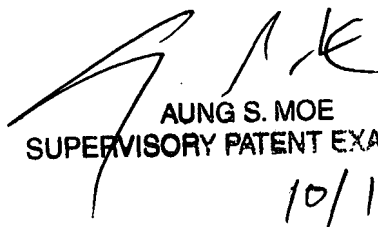
Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

BM

10/01/2007


AUNG S. MOE
SUPERVISORY PATENT EXAMINER
10/1/07